

REMARKS

Claims 1, 11-17 and 37 are currently pending. As discussed below, Claims 1 and 13 are amended by removing the sixth variation of Ra (Formula 16). In addition, Claim 1 is amended to remove the eighth variation of Ra without prejudice. Claim 1 is also amended to correct a minor typographical error involving a subscript. No new matter has been added herewith. The following addresses the substance of the Office Action.

Rejection under 35 U.S.C. §102(b)

The Examiner has rejected claims 1, 11-14, 16, 17 and 37 as being anticipated by WO 2001/79241 to Weiss et al. In particular, the Examiner concluded that the synthesis of a stearidonic arbutin ester (6,9,12,15-octadecatetraenoic acid) and its use in cosmetic preparations, disclosed by Weiss et al., anticipates the claims. Weiss et al. discloses compounds of the general formula $Ac_n-O-Z-O-R_m$, wherein Ac is a polyunsaturated $C_{15}-C_{25}$ acyl group.

Applicants have amended Claims 1 and 13 by removing the sixth variation of Ra (Formula 16), thereby excluding compounds disclosed by Weiss et al., including a stearidonic arbutin ester. Accordingly, the claims are in compliance with 35 U.S.C. § 102(b) and removal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §103(a)

The Examiner rejected claim 15 under 35 U.S.C. §103(a) obviousness as being unpatentable over WO 2001/79241 to Weiss et al. in view of Japanese publication 2001-151623 to Kiyoshi et al. The Weiss et al. reference does not suggest any part of the invention as presently claimed in which Ra is defined to exclude the compounds disclosed therein. The Kiyoshi et al. reference discloses nothing that addressed this deficiency of Weiss et al. Thus, the combination of cited references neither discloses nor provides any reason to one of skill in the art to develop the presently claimed compositions and processes of producing them. As such, the applicants respectfully request removal of the rejection under 35 U.S.C. § 103(a).

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicants' amendments to the Claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 8, 2008

By: 

Raymond D. Smith
Registration No. 55,634
Agent of Record
Customer No. 20995
(949) 760-0404